



Practitioner's Docket No. 47728 (71699)
PATENT

AK/1600 \$
#20
BP
5-20-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: E. Marban
Application No.: 09/187,669
Filed: November 5, 1998
For: SOMATIC TRANSFER OF MODIFIED GENES TO PREDICT DRUG EFFECTS
Group No.: 1636
Examiner: G. Leffers, Jr.

Mail Stop: AF
Commissioner for Patents
P.O Box 1450
Alexandria, VA 22313-1450

RECEIVED

MAY 09 2003

TECH CENTER 1600/2900

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. SECTION 1.191)

NOTE: An appeal may be based on one rejection in a prior application and one rejection in a continuing application. 62 Fed. Reg. 53,131, at 53,167; 1203 O.G. 63, at 93 (Oct. 10, 1997).

NOTE: There is no requirement for a notice of appeal to: (1) be signed; or (2) identify the appealed claims. 62 Fed. Reg. 53,131, at 53,167; 1203 O.G. 63, at 94 (Oct. 10, 1997).

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed November 5, 2002, finally rejecting claims 1-15 and 29-31.

The item(s) checked below are appropriate:

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O Box 1450, Alexandria, VA 22313-1450.

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office (703) ____-____.

Date: May 2, 2003

Kathryn A. Grindrod
Signature

Kathryn A. Grindrod
(type or print name of person certifying)

05/07/2003 JADD01 00000026 09187669

01 FC:2401
02 FC:2253

160.00 OP
465.00 OP

(Notice of Appeal from the Primary Examiner to Board--page 1 of 4)

E. Maban
USSN: 09/187,669

1. STATUS OF APPLICANT

This application is on behalf of

- ☐ other than a small entity.
☒ a small entity.

A statement:

- ☐ is attached.
☐ was already filed on _____.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. Section 1.17(b), the fee for filing the Appeal Brief is:

- ☒ small entity \$160.00
☐ other than a small entity \$320.00

Notice of Appeal fee due \$160.00

3. EXTENSION OF TERM

NOTE: The time periods set forth in 37 C.F.R. 1.191 are subject to the provision of Section 1.136 for patent applications. 37 C.F.R. 1.191(d). (But see 37 C.F.R. 1.645 for extension of time in interference proceedings and 37 C.F.R. 1.550(c) for extension of time in reexamination proceedings).

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

- (a) ☒ Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 410.00	\$205.00
<input checked="" type="checkbox"/> three months	\$ 930.00	\$465.00
<input type="checkbox"/> four months	\$1,450.00	\$725.00

Fee \$ 465.00

E. Maban
USSN: 09/187,669

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- (a) ☐ An extension for _____ months has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$ 160.00

Extension fee (if any) \$ 465.00

TOTAL FEE DUE \$ 625.00

5. FEE PAYMENT

☒ Attached is a check in the sum of \$ 625.00.

☐ Charge Account No. _____ the sum of \$ _____.

A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in resuming the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G 31-33.

E. Maban
USSN: 09/187,669

[X] If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 04-1105.

AND/OR

[X] If any additional fee for claims is required, charge Account No. 04-1105.

Date: May 2, 2003

Reg. No. 53,531

Tel. No.: (617) 517-5577

Customer No.: 21874

334159


SIGNATURE OF PRACTITIONER

Jennifer K. Rosenfield
(type or print name of practitioner)
Agent for Applicant(s)

P.O. Box 9169

P.O. Address

Boston, MA 02209